IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 7699 OF 2006

Sudam Genu Salunke .... Petitioner

versus

Motiram Alias Motilal Chunilal
Gujar (since decelased0 through L.Rs.... Respondent.

Shri R.B. Jagtap & Ashok B. Tanjane for the petitioner
Shri P.J. Pawar for Respondent no.1.

CORAM; A.P. DESHPANDE, J.
DATED; 21ST SEPTEMBER, 2007

P.C.;

1. The present petitioner is an obstructionist in an execution proceedings filed by the decree holder against the judgment debtor. The claim of the obstructionist has been rejected by the executing court by passing an order below Exh.66. Aggrieved by the said order the petitioner carried an appeal before the District Court which is pending on the file of District Court, Pune, vide Appeal No. 732/06. In the said appeal the petitioner had filed an application seeking stay of the order passed below Exh.66 and the rejection of the stay application has given rise to the filing of the present writ petition.

2. This court by an order dated 9-1-2007 had issued

Rule and granted stay. The learned counsel for the respondents submit that the stay granted by this court be continued till the decision of the appeal and the court below be directed to expedite the hearing of the appeal. It is pointed out that the Darkast proceedings are of the year 1967 and hence the need for an expeditious disposal. In view of the concession given by the learned counsel for the respondent, the present writ petition is allowed. The stay granted by this court on 9-1-2007 shall continue till decision of the appeal. The District Judge shall decide the appeal No.732/06 as expeditiously as possible and preferably by 31-12-2007.

3. The learned counsel for the petitioner has brought to my notice that the respondent no.6 has expired on 26-5-2007. It shall be open for the petitioner to take appropriate steps for bringing the L.Rs. of the deceased respondent no.6 on record.

4. The writ petition is disposed of. Rule made absolute in the above terms. C .A. No. 986/07 is dismissed as not pressed.

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